

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Samuel Martin

Docket Number: 1:99CR05103-09 REC

Offender Address: Merced, California

Judicial Officer: Honorable Robert E. Coyle
Senior United States District Judge
Fresno, California

Original Sentence Date: August 18, 2003

Original Offense: Count 1: 21 USC 841(a)(1) and 18 USC 2, Possession of Cocaine With the Intent to Distribute and Aiding and Abetting (CLASS A FELONY)

Count 2: 21 USC 841 (a)(1) and 846, Conspiracy to Possess With Intent to Distribute Cocaine, Heroin, and Methamphetamine (CLASS A FELONY)

Original Sentence: 24 months custody of Bureau of Prisons; 60 months supervised release; \$200 special assessment; \$17,500 fine; mandatory testing.

Special Conditions: 1) Search; 2) Provide requested financial information; 3) Participate in drug/alcohol treatment program; 4) Participate alcohol/drug testing program; 5) Abstain from the use of alcohol; 6) Participate in co-payment plan; 7) Register as a drug offender.

Type of Supervision: Supervised Release

Supervision Commenced: 08/22/2006

Assistant U.S. Attorney: Kevin Rooney **Telephone:** (559) 497-4000

RE: MARTIN, Samuel
Docket Number: 1:99CR05103-09 REC
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

Defense Attorney: Jim Elia **Telephone:** (559) 498-3600
Other Court Action: None.

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall complete 50 hours of unpaid community service as directed by the probation officer. The defendant shall pay fees attendant to participation and placement in this program, on a sliding scale as determined by the program. Community service shall be completed by July 1, 2009.

Justification: On November 2, 2008, Merced County Sheriff's Department indicates the offender was a victim of an assault that occurred at a bar in Livingston. The offender and his brother were at a bar having a couple of drinks, and when the offender exited the bar to have a cigarette, he was confronted by approximately five adults males. One of the adult males asked the offender a question and shortly after, he was struck on the left side of his face with a glass mug. The offender sustained a deep laceration to his face which required forty-two stitches. The offender denies telling the Sheriff's officer that he was drinking alcohol with his brother. According to the offender, his brother telephoned him that evening and requested a ride home as he was too intoxicated to drive. Although the offender is a victim in this case, his special conditions restrict him from drinking alcohol and frequenting those places where alcohol is the chief item of sale. He acknowledged making a mistake by entering the bar and using bad judgment.

In order to address this violation and issues of accountability, this officer is recommending the Court modify his conditions of supervision to reflect the above special condition.

RE: MARTIN, Samuel
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Attached is the signed "Waiver of Hearing to Modify Conditions of Supervised Release..."

Respectfully submitted,

/s/ Marlene K. DeOrian
MARLENE K. DEORIAN
Senior United States Probation Officer
Telephone: 559-499-5729

DATED: December 10, 2008
Fresno, California
MKD

REVIEWED BY: /s/ Hubert J. Alvarez
HUBERT J. ALVAREZ
Supervising United States Probation Officer

RE: MARTIN, Samuel
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THE COURT ORDERS:

- (X) Modification approved as recommended.
- () Modification not approved at this time. Probation Officer to contact Court.
- () Other:

IT IS SO ORDERED.

Dated: December 16, 2008

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE